IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.16638-M of 2006
Date of Decision : August 31, 2006

Karnail Singh.

.....PETITIONER(S)

VERSUS

State of Punjab.

.....RESPONDENT(S)

. . .

CORAM:- HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT:- Mr. Ashok Singla, Advocate, for the petitioner.

Mr. Eklavya Kumar, Assistant Advocate General, Punjab.

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AJAI LAMBA, J. (Oral)

This is a petition under Section 438 Cr.P.C. for bail in a case lodged under Sections 420 and 120-B IPC.

Learned counsel for the petitioner has argued that in fact, complainant, Parmod Kumar, is the person who is responsible for the loss caused to the FCI and by lodging the present FIR, is trying to transfer the responsibility. Admittedly, complainant, Parmod Kumar, is the carrier of FCI product from various stations in Punjab to Rajasthan. In the incident at issue, consigner is FCI, Kotakpura and consignee is FCI, Bheelwara. Allegedly, the sub contract for transporting wheat was given to the

petitioner, however, there is no document or evidence to establish that the sub contract was given to the petitioner. Admittedly, the truck is not owned by the petitioner.

Without commenting anything on the merits of the case, the petition is allowed. Order dated 23.3.2006 is hereby made absolute and it is directed that in the event of arrest, the petitioner shall be enlarged on bail on furnishing of bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions :-

> "(i) The petitioner shall make himself available for interrogation as and when required;
> (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
> (iii) The petitioner shall not leave India without the previous permission of the Court."

This order shall enure till 10 days after the petitioner receives a notice of filing of final report u/s 173, Cr.P.C. within which period, the petitioner would be at liberty to apply for regular bail.

(AJAI LAMBA)
JUDGE

AUGUST 31, 2006
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